

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

UNITED STATES OF AMERICA § **Honorable Kathleen Cardone**  
vs. § Courtroom #521  
§ Fifth Floor  
§  
§ (1) Ruben Carrion § NO: EP:11-CR-02949(1)-KC  
§  
§

TAKE NOTICE that the above-entitled case has been set in the United States District Court in El Paso, Texas as follows:

ARRAIGNMENT: Friday, **December 16, 2011 at 11:00 a.m.** before U.S. Magistrate Judge, Robert F. Castaneda, Albert Armendariz, Sr. U.S. Courthouse, Courtroom #611, 6th Floor.

DOCKET CALL: Thursday, **January 19, 2012 at 9:30 a.m.** before U.S. District Judge, Kathleen Cardone, Albert Armendariz, Sr. U.S. Courthouse, Courtroom #521, 5th Floor.

**JURY SELECTION:** To be set at a later date

(See Note Regarding the Waiver of Personal Appearance, below.)

TRIAL: To be set at a later date

ALL ADDRESSEES on this notice (except those for information only) must appear in person unless excused from appearing by the Court. Defendants entering a plea of "Not Guilty" who wish to waive personal appearance at arraignment and their attorneys are excused from appearing if the enclosed waiver is executed and signed by both the defendant and the attorney of record, AND FILED BY 4:30 P.M. ON THE DAY PRECEDING THE SCHEDULED DAY OF ARRAIGNMENT. Take note that if the arraignment is before a United States Magistrate Judge, only a plea of "Not Guilty" may be accepted.

WHENEVER DEFENDANTS OR WITNESSES IN CRIMINAL CASES HAVE NEED FOR THE SERVICES OF THE OFFICIAL COURT INTERPRETER, THE ATTORNEY CONCERNED MUST INFORM THE DISTRICT CLERK NOT LATER THAN FIVE (5) DAYS BEFORE THE COURT APPEARANCE.

**NOTE TO ATTORNEY FOR DEFENDANT:** The official records in this case show a current address of the defendant. Since you communicate frequently with the defendant and thereby know changes to his/her address, it is requested that you promptly communicate the changes of address of your defendant-client to this office.

WILLIAM G. PUTNICKI, Clerk

DATE: December 09, 2011

By: Jan Matting  
Deputy Clerk

To: COURT\*COUNSEL FOR THE DEFNDANT\*DEFENDANT\*U.S. ATTORNEY\*U.S. MARSHAL\*U.S. PROBATION\*U.S. PRETRIAL\*U.S. MAGISTRATE

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UNITED STATES OF AMERICA §  
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**WAIVER OF PERSONAL APPEARANCE AT ARRAIGNMENT**  
**AND**  
**ENTRY OF PLEA OF NOT GUILTY**

**COMES NOW** Defendant in the above referenced case who, along with his undersigned attorney, hereby acknowledges the following:

1.) Defendant has received a copy of the indictment or information in this case. Defendant understands the nature and substance of the charges contained therein, the maximum penalties applicable thereto, and his Constitutional Rights, after being advised of all the above by his attorney.

2.) Defendant understands he has the right to appear personally with his attorney before a Judge for arraignment in open Court on this accusation. Defendant further understands that, absent the present waiver, he will be so arraigned in open Court.

Defendant, having conferred with his attorney in this regard, hereby waives personal appearance with his attorney at the arraignment of this case and the reading of the indictment or information, and, by this instrument, tenders his plea of "not guilty". The defendant understands that the entry by the Court of said plea for defendant will conclude the arraignment in this case for all purposes.

Date: \_\_\_\_\_  
\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Attorney for Defendant

**ORDER**

**APPROVED** by the Court. A plea of "Not Guilty" is entered for defendant effective this date.

Date: \_\_\_\_\_  
\_\_\_\_\_  
United States Magistrate Judge

### **WAIVER OF MINIMUM TIME TO TRIAL**

3.) Defendant understands that he has a right to minimum period of time to trial so that trial shall not commence less than thirty (30) days from the date on which the defendant first appears through counsel or expressly waives counsel and elects to proceed pro se. Defendant further understands that, absent the present waiver, he will not be brought to trial during this thirty (30) days period.

Defendant, having conferred with his attorney in this regard, hereby **WAIVES** the requirement that trial shall not commence less than thirty (30) days from the date on which the defendant first appears through counsel or expressly waives counsel and elects to proceed pro se.

Date: \_\_\_\_\_

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Attorney for Defendant

UNITED STATES DISTRICT COURT  
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**DEFENDANT'S MOTION FOR ADMINISTRATIVE SETTING  
IN LIEU OF APPEARANCE AT FIRST DOCKET CALL**

**TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:**

Comes now, undersigned counsel for the Defendant, \_\_\_\_\_, on this day and respectfully moves the Court to grant Counsel leave to enter this appearance administratively and in lieu of appearing at the Docket Call scheduled for \_\_\_\_\_, and in support of said Motion shows the Court as follows:

- \_\_\_\_ 1. Counsel, **never having previously requested nor obtained a Continuance**, moves for Continuance of the Docket Call because of the need for investigation, plea negotiations, and/or preparation of the defense due to complex discovery issues in the case. Counsel further avers that the interest of justice outweighs the interest of the Defendant and the public in a speedy trial and agree that the timing from the scheduled docket calls through the next docket call, is excludable time within the meaning of the Speedy Trial Act, 18 U.S.C. §§3161 *et seq.*; or
- \_\_\_\_ 2. The Defendant moves to have the above styled and numbered cause set for a Plea Hearing and states that said Plea Hearing may be referred to the United States Magistrate to be set at the Court's convenience; **(the Plea Hearing date may NOT be scheduled after the Court's next regularly scheduled Docket Call date.)** The Defendant requests the plea be set in \_\_\_\_ 2 weeks, \_\_\_\_ 3 weeks; or
- \_\_\_\_ 3. The Defendant moves to have the above styled and numbered cause set for a Plea and Sentencing Hearing before this Court to be set at the Court's convenience. The Defendant understands it can only be sentenced at the time of the Plea if Defendant obtains that approval from the United States Probation Office to have a Pre-Sentence Investigation Report prepared for that date. The Defendant accepts the responsibility to resolve that approval and sentencing issue with the United States Probation Office. The Defendant requests the plea be set in \_\_\_\_ 2 weeks, \_\_\_\_ 3 weeks.

4. This Motion is filed not later than two (2) business days prior to the scheduled Docket Call.

Respectfully submitted,

\_\_\_\_\_ (signature)

\_\_\_\_\_ (typed or printed name)  
Defense Counsel for

\_\_\_\_\_ (typed or printed name)  
Defendant

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the above Motion was served upon opposing counsel, UNITED STATES ATTORNEY'S OFFICE by facsimile or electronically filed with the Clerk of the Court using the CM/ECF System which will transmit notification of such filing to the following CM/ECF participant, in accordance with the Federal Rules of Criminal Procedure on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Defense Attorney

**COURT INSTRUCTIONS REGARDING DOCKET CALL  
HON. KATHLEEN CARDONE**

1. Defense counsel will be allowed to file the corresponding Motion for Administrative Setting in Lieu of Appearance at Docket Call (hereinafter “Motion”) if the circumstances of the particular case meet the requirements of the Motion. **ABSOLUTELY NO ALTERATIONS MAY BE MADE TO THE FORM MOTION.** If the particular circumstances of the case do not meet the requirements of the Motion, or if you have a doubt thereof, you **should attend** the Docket Call and discuss the matter with the Court on the record.
2. Very simply, those attorneys who have neither sought nor obtained a “Pass” on a prior occasion and who wish to request one may do so by completing and filing the Motion and marking an “X” in the first space. **Attorneys who have obtained a continuance previously (having requested and obtained a “Pass” MUST attend Docket Call if a second pass is going to be requested, regardless of the reason).**
3. Those attorneys who wish to request that the Court set a case for a “Plea Hearing” (whether a “Pass” has previously been requested or not) may also complete and file the Motion and mark an “X” in the appropriate space. **Attorneys may not request that the Plea Hearing be scheduled after the Docket Call following the Docket Call to which the filed Motion applies.** For example, if you are scheduled to attend Docket Call in April and you are aware that your client wishes to have a plea hearing set, you may complete the Motion, mark an “X” in the space by Paragraph 2, and the case will be referred to the United States Magistrate and be set prior to the Docket Call following the April Docket Call or you may mark a “X” in the space by Paragraph 3 and the hearing will be set prior to the Docket Call following the April Docket. Information about the Docket Call dates may be obtained from the Courtroom Deputy. If a plea setting is requested by counsel, then the attorney need not attend the docket call.
4. If you wish to request a trial setting (jury or not-jury), you **MUST ATTEND** Docket Call and may not submit the Motion.
5. You may attend Docket Call *even if you are eligible* to file the Motion. In other words, you are never precluded from attending the Docket Call.
6. The corresponding Motion **MUST** be filed no later than two (2) business days (exclusive of federal holidays) prior to the scheduled Docket Call.
7. Any Motion filed pursuant to these instructions requires only the signature of the defense attorney, but service of the Motion upon the United States Attorney is required.
8. File a single Motion for each case. DO NOT file a single Motion with more than one cause number. If you are scheduled to appear at Docket Call on several cases and are eligible to file Motion in each case, you **MUST** file one Motion per case.
9. Questions about this process may be directed by attorneys to the Courtroom Deputy.